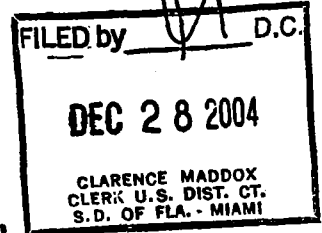


PROB 12B  
(SD/FL 9/96)

SD/FL PACTS No. 4422

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 00-6309-CR-SEITZ/04**



**Request for Modifying the Conditions or Term of Supervision**  
**with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Joseph Spitaleri

Name of Sentencing Judicial Officer: The Honorable Patricia A. Seitz, U. S. District Judge,  
Miami, Florida

Date of Original Sentence: January 11, 2002

Original Offense: Conspiracy to violate RICO in violation of Title 18, U.S.C. §1962(d), a Class C felony

Original Sentence: Fifty eight (58) months Bureau of Prisons followed by three (3) years supervised release with the following special conditions: Participate in an approved treatment program for drug and/or alcohol abuse as directed by the U.S. Probation Office; Perform 300 hours of community service; No new lines of credit without first obtaining permission from the U.S. Probation Officer; Provide complete access to financial information, including disclosure of all business and personal finances, to the U.S. Probation Officer; Maintain full-time legitimate employment and not be unemployed for a term of more than 30 days unless excused by the U.S. Probation Officer. Further, the defendant shall provide documentation including, but not limited to pay stubs, contractual agreements, W-2 Wage and Earnings Statements, and other documentation requested by the Probation Officer; Not be engaged in any business that offers securities, investments, or business opportunities to the public; Obtain prior approval from the U.S. Probation Officer before entering into any self-employment; Submit to a search of his person or property conducted in a reasonable manner and at a reasonable time by the U.S. Probation Officer; Prohibited from associating with or visiting places known to be frequented by organized crime figure or families while on supervised release. He was ordered to pay restitution in the amount of \$1,757,438.17, and an assessment fee of \$100.

Type of Supervision: Supervised Release

Date Supervision Commenced: November 19, 2004

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**PETITIONING THE COURT**

- ☐ To extend the term of supervision for \_\_ years, for a total term of \_\_ years.  
☒ To modify the conditions of supervision as follows:
- 1576/3

PROB 12B  
(SD/FL 9/96)

SD/FL PACTS No. 4422

Name of Offender: Joseph Spitaleri

Case No. 00-6309-CR-SEITZ/04

The defendant shall pay restitution at the rate of 10% of his gross income per month until such time as the court may alter that payment schedule in the interest of justice. The U. S. Probation Office and the U.S. Attorney's Office shall monitor that payment of restitution and report to the court any material change in the defendant's ability to pay.

### CAUSE

Mr. Spitaleri was ordered to make restitution in the amount of \$1,757,438.17. It is anticipated Mr. Spitaleri's income will vary throughout the course of supervision. Based on that fact, it is recommended that Mr. Spitaleri pay restitution at the rate of 10% of his gross monthly income. Mr. Spitaleri has agreed to the proposed payment schedule and has in fact signed a Waiver of Hearing which is attached.

It is respectfully requested that Your Honor sign the attached Petition for supervised release action modifying the conditions of supervision as indicated above.

Respectfully submitted,

by

Steven G. Aasterud  
U.S. Probation Officer  
Phone: (954) 769-5507  
Date: December 7, 2004

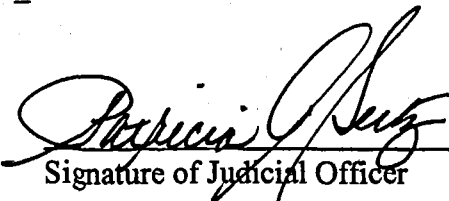
SGA/dee

Reviewed and Approved by:

  
Carolyn M. Gamble, Supervising  
U.S. Probation Officer

### THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Submit a Request for \_ Warrant or \_ Summons

  
Signature of Judicial Officer

12/28/04  
Date